UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/2002/44
15 March 2002

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Report of the Special Rapporteur, Andreas Mavrommatis, on the situation of human rights in Iraq*

CONTENTS

		Paragraphs	Page
Executive summary			2
Annex		1 - 96	5
I.	INTRODUCTION	1 - 7	5
II.	MISSION TO IRAQ	8 - 72	6
III.	MISSION TO IRAN AND OTHER SOURCES SUBMITTING ALLEGATIONS OF VIOLATIONS OF HUMAN RIGHTS	73 - 84	20
IV.	CONCLUSIONS AND RECOMMENDATIONS	85 - 96	22

* The executive summary of this mission report and the Special Rapporteur's conclusions and recommendations are being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the language of submission and Arabic only.

GE.02-11432 (E) 210302

Executive summary

A significant breakthrough was achieved in the context of the relations with the Government of Iraq when the Government, in January 2002, announced that it would accept a visit to Iraq by the Special Rapporteur, who eventually undertook a mission to the country from 11 to 15 February 2002.

During the mission to Iraq the Special Rapporteur met with various government ministers, government officials, religious dignitaries, representatives of United Nations programmes and agencies, politicians and others. The Special Rapporteur also visited two prisons, a hospital for children, a local school, a food distribution outlet, as well as religious sites.

The Special Rapporteur appreciates this positive response from the Government to his repeated requests for a visit. He sees this initial mission as an exploratory one, the main purpose of which was to set the stage for future cooperation. Owing to the short notice prior to the mission, as well as the short duration of the visit, the Special Rapporteur decided that only a limited number of pre-selected human rights issues could be raised.

The Special Rapporteur is pleased that contacts with the Government were established and that mechanisms and procedures for communications with the Government regarding allegations of violations of human rights were put in place during the mission. The success of the dialogue will depend on the continued cooperation of the Government. The ultimate measure of success will be the successful implementation of recommendations submitted by the Special Rapporteur.

The Special Rapporteur also undertook a mission to Iran in January 2002 to collect information on human rights violations allegedly committed by the Government of Iraq. In addition, the Special Rapporteur continued to receive from various sources a number of written allegations of human rights violations. Allegations of violations committed by the Government covered a very broad range of issues, including arbitrary and extrajudicial execution, cruel, degrading and inhuman treatment and punishment, restrictions on religious and political freedom, forced displacement of ethnic minorities and "arabization", and forced military recruitment. The Special Rapporteur plans to investigate these allegations further in the context of the new mechanisms and procedures established with the Government of Iraq in this regard.

Conclusions and recommendations

The Special Rapporteur is encouraged by progress so far in establishing a constructive dialogue on human rights with the Government of Iraq and wishes to express his appreciation to the Government for accepting the first mission of the Special Rapporteur since his appointment in 1999.

The Special Rapporteur wishes to stress that the success of this dialogue will depend on the continued cooperation of the Government, including through the provision of detailed replies to allegations of human rights violations transmitted by the Special Rapporteur, as well as through future visits by the Special Rapporteur to Iraq. The ultimate measure of success will be the successful implementation of recommendations submitted by the Special Rapporteur.

The Special Rapporteur wishes to reiterate his recommendations that all humanitarian concerns should be kept under constant review and necessary adjustments should continue to be made to ensure that the humanitarian needs and the long-term adverse effects of the embargo are addressed and the suffering of the people is alleviated.

Furthermore, the Special Rapporteur, whilst reiterating recommendations made in his previous reports, wishes to make the following recommendations stemming from the information collected and processed during the reporting period.

The Special Rapporteur urges the Government of Iraq to dispatch as soon as possible the documentation and information requested by him during meetings with the Minister of Foreign Affairs and with other ministers and officials, as noted above, and to make immediate arrangements for the continuation of the dialogue.

The Special Rapporteur reiterates his recommendation to the Government that a moratorium on executions be implemented immediately.

The Special Rapporteur repeats his call on the Government of Iraq to reduce the number of crimes that carry the death penalty, including the crime of trafficking of women and the exploitation of women for prostitution.

The Special Rapporteur also urges the Government to improve considerably the conditions on death row and to take urgent measures to improve the general conditions in Abu Ghraib prison, even prior to the construction of new prison buildings, through amnesties and the substitution of other sentences for imprisonment (fines, community service, conditional discharge, bail, etc.). The Special Rapporteur also urges the Government to establish a system of independent prison visitors to ensure that the human rights of prisoners are respected.

With regard to freedom of religion, the Special Rapporteur urges the Government:

(a) To respect the freedom of religion and freedom of movement of all Shia clerics; and

(b) To examine sympathetically the issues raised by the leaders of the Christian community, as outlined above.

The Special Rapporteur urges the Government to facilitate in every respect continuation of the dialogue by ensuring that the focal point at the Ministry of Foreign Affairs has everything that is required in order that it may respond promptly and adequately to requests and recommendations by the Special Rapporteur.

The Special Rapporteur urges the Government to abolish the Special Courts and ensure that the rule of law is respected everywhere and at all times in Iraq in accordance with Iraq's freely undertaken obligation under international human rights instruments.

The Special Rapporteur urges the Government to ensure that no policies or practices of discrimination against ethnic or religious groups are carried out in Iraq, and to investigate allegations of human rights violations relating to the issue of arabization.

Annex

REPORT OF THE SPECIAL RAPPORTEUR, ANDREAS MAVROMMATIS, ON THE SITUATION OF HUMAN RIGHTS IN IRAQ

I. INTRODUCTION

1. The present report of the Special Rapporteur on the situation of human rights in Iraq, Andreas Mavrommatis, is submitted to the Commission on Human Rights at its fifty-eighth session pursuant to paragraph 5 (a) of Commission on Human Rights resolution 2001/14 of 18 April 2001. The mandate of the Special Rapporteur was originally established by the Commission in resolution 1991/74 of 6 March 1991, and extended in subsequent resolutions.

2. This report should be read in conjunction with the interim report of the Special Rapporteur to the General Assembly (A/56/340), as well as previous reports of the Special Rapporteur to the Commission on Human Rights and the General Assembly. Unless stated otherwise, the report covers the period from 15 July 2001 to 20 February 2002.

3. At the outset it should be noted that during the reporting period a significant breakthrough in relations with the Government of Iraq was achieved, as the Government agreed to a short visit by the Special Rapporteur to the country. The visit took place from 11 to 15 February 2002. This visit was the first visit to Iraq by the current Special Rapporteur and the second visit to take place since the Commission on Human Rights established the mandate in 1991. The first mission to Iraq was undertaken in 1992 by the previous Special Rapporteur, Mr. Max van der Stoel.

4. However, prior to January 2002 when the Government of Iraq first informed the Special Rapporteur that it would accept a visit, and as no concrete indications had been forthcoming from the Government during 2001 with regard to a visit or establishing closer links, the Special Rapporteur decided, in accordance with his mandate, to conduct a mission to the Islamic Republic of Iran to collect information from various sources on alleged human rights violations committed by the Government. This mission eventually took place in January 2002.

5. Shortly prior to his departure for Iran, the Special Rapporteur received indications from Iraqi diplomatic representatives, that the Government of Iraq would accept a visit of a few days, most likely sometime in early February. Upon his return from Iran, by letter of 21 January 2002, the Permanent Mission of Iraq to the United Nations Office at Geneva informed the Special Rapporteur that the Government would accept a visit by the Special Rapporteur from 8 to 11 February. The Special Rapporteur travelled to Geneva for a few days at the end of January and had a series of meetings with Iraqi diplomatic representatives to discuss the modalities of the visit. As eventually agreed, the visit took place from 11 to 15 February 2002.

6. In addition, during the reporting period, the Special Rapporteur continued to receive several written allegations of violations of human rights in Iraq. In particular, immediately prior to his visit to Iraq a significant number of these allegations were received. The Special Rapporteur also maintained contact with various agencies and programmes of the United Nations, the International Committee of the Red Cross and international and Iraqi non-governmental organizations.

7. Given the particular nature of events during the reporting period, the Special Rapporteur would like to stress that this report is not and was not meant to be a full investigative report. It should be noted that both the short notice, which did not permit sufficient time for thorough preparation, as well as the brief duration and exploratory nature of the visit to Iraq, which did not allow for a complete covering of issues that had accumulated over several years, did not make it possible to have a complete report on the situation of human rights in Iraq. Furthermore, as the main aim of the mission was to establish a framework for closer cooperation with the Government, the Special Rapporteur believes it appropriate, in this report, to focus attention on the visit itself, and on any progress achieved with a view to arriving eventually at a more complete insight into the situation of human rights in Iraq.

II. MISSION TO IRAQ

8. As the Special Rapporteur has reported previously, in particular in his most recent report to the General Assembly (A/56/340), he has invested considerable efforts in establishing a *rapport* and dialogue with the Government of Iraq. As previously stated, the Special Rapporteur conceives his mandate as not only containing a reporting role, but also having another dimension, namely to contribute, through recommendations based on his observations and findings, to the respect and promotion of human rights in Iraq. During the reporting period, the Special Rapporteur therefore continued to suggest several options for initiating a constructive dialogue on human rights with the Government, including through visits to Iraq. The Special Rapporteur has consistently emphasized that visiting Iraq is of paramount importance, in order for the Special Rapporteur to examine the situation of human rights in Iraq *in situ* and be in a better position to draw appropriate conclusions. The Special Rapporteur has also previously suggested that a dialogue on human rights with the Government could also be initiated through a series of meetings in Geneva with senior Iraqi officials.

9. By July 2001, as no concrete indications had been forthcoming from the Government of Iraq, the Special Rapporteur decided to propose yet another initiative to the Government. In a letter to the Government dated 30 July 2001 the Special Rapporteur wrote "I would like to propose that I, as a first step in a closer framework of collaboration, conduct an exploratory mission to Iraq at a time mutually to be agreed upon. During the mission, which would be of a duration of a few days, I would primarily meet and make personal first contacts with relevant Iraqi officials. I believe that such a mission would play an important confidence-building role. Prior to departure, the mission schedule would be prepared in cooperation with relevant Iraqi officials in Geneva and would be conducted in a completely transparent manner." While the Iraqi diplomatic representatives in Geneva informally acknowledged receipt of the letter, the Special Rapporteur did not receive a specific reply to this request for an exploratory mission.

10. However, in mid-January 2002, the Special Rapporteur was contacted by phone by the Government, and was told that the Government would accept a short visit in early February. Subsequently, on 21 January, the Permanent Mission of Iraq to the United Nations at Geneva wrote to the Special Rapporteur that the Government "accept[s] the visit" of the Special Rapporteur "during the period from 8 to 11 February".

11. The Special Rapporteur travelled to Geneva at the end of January, inter alia, to meet with Iraqi diplomatic representatives to discuss further the modalities of the mission. During a series of meetings on 24, 27 and 28 January with Iraqi diplomatic officials it was eventually agreed that the mission would take place from 11 to 15 February.

12. During the meeting on 27 January, the Special Rapporteur was asked how many support staff he would wish to accompany him, and the Special Rapporteur requested that two professional staff from the Office of the High Commissioner for Human Rights (OHCHR), as well as two United Nations interpreters accompany him. In response, the Iraqi officials indicated that they preferred that the Rapporteur be accompanied only by the staff member of OHCHR who normally assists the Rapporteur, and one United Nations interpreter.

13. Following the meetings on 24, 27 and 28 January, on 30 January the Special Rapporteur wrote to the Permanent Representative of Iraq to the United Nations Office at Geneva that during his forthcoming mission he would hope to meet, inter alia, officials from the following institutions:

Ministry of Foreign Affairs

- Including officials responsible for the issue of missing persons (missing Iraqis and missing Kuwaiti prisoners of war, etc.);

- Specific discussions with relevant officials on outstanding issues (outstanding responses to letters that have been addressed to the Government regarding allegations of human rights violations);

- Discussions with relevant officials on future steps in a constructive dialogue on human rights, including future missions.

Ministry of Justice

Ministry of Health

Ministry of Labour and Social Affairs

Including officials responsible for prisons

Senior police officials

The judiciary

Representatives of the Iraqi Bar Association

The Human Rights Committee of the National Council

Baath Party officials.

14. The Special Rapporteur further indicated in the letter that he would very much like to visit religious sites in Najaf and to have discussions with religious leaders. He also pointed out that, in particular, he wished to visit the Abu Ghraib prison in Baghdad. He also indicated that he was planning to meet with representatives of the various United Nations agencies and programmes in Iraq, as well as representatives of the International Committee of the Red Cross.

15. Both prior to and during his mission, the Special Rapporteur clearly indicated to Iraqi officials that, in the circumstances, he saw this initial mission as an exploratory one, the main purpose of which would be to establish initial contacts and set the stage for future cooperation. It should also be noted, that owing to the short notice prior to the mission, as well as the short duration of the visit, the Special Rapporteur decided that only a limited number of pre-selected human rights issues could be raised during the mission, and that the main purpose would be to establish a promising initial contact with the Government and to agree on procedures and mechanisms for future cooperation.

Meetings and visits

16. While the mission was conducted from 11 to 15 February, it should be noted that because of United Nations regulations, travel to Iraq could only be undertaken by car from Amman to Baghdad - a 10-hour drive. The programme of meetings and visits thus started upon arrival on 11 February late in the evening, and ended upon departure at noon on 15 February. Throughout the visit, the Special Rapporteur was assisted by Mr. Matthias Behnke, an OHCHR human rights officer, and Mr. Mourad Khallaf, a United Nations interpreter. The Special Rapporteur wishes to express his appreciation for their support and hard work, which permitted a very broad range of issues to be covered during a very brief visit. As agreed during the meetings in Geneva, the final programme was prepared by the Government and a copy of the programme was given to the delegation of the Special Rapporteur upon arrival, with an assurance that the Special Rapporteur could make any changes he wished or could visit any place he wished.

17. During the visit, the Special Rapporteur met with the following government ministers: the Minister for Foreign Affairs, Dr. Naji Sabri, the Minister of Justice, Mr. Monthor Al-Shawi, the Minister of the Interior, Mr. Mahmood Al-Ahmed, and the Minister of Labour and Social Affairs, Saadi T. Abbass. The Special Rapporteur also met with officials from the Ministry for Foreign Affairs, the police, the prison authorities, the Ministry of Health, the president and judges of a criminal court in Baghdad, two prominent Kurdish persons from Baghdad, and the chairman and members of the Iraqi Bar Association.

18. The Special Rapporteur also met with high religious dignitaries from the Roman Catholic, Armenian, Assyrian and Syrian Christian Churches, as well as two Shia Muslim religious dignitaries in Kerbala. The Special Rapporteur also met with senior representatives of the United Nations Country Team, including Mr. Tun Myat, the

United Nations Humanitarian Coordinator in Iraq, who provided useful background information that enabled the Special Rapporteur to understand and evaluate better the human rights and humanitarian situation in Iraq.

19. Furthermore, during his mission the Rapporteur visited a women's prison on the outskirts of Baghdad, the central prison in Abu Ghraib, a hospital for children, a school and a food distribution outlet, as well as religious sites in Khadamia and the two holy shrines in Kerbala.

20. The Special Rapporteur would like to note with appreciation that practically all the meetings he asked for during the meetings in Geneva as well as in his letter of 30 January were accepted and arranged by the Government. Owing to time limitations it was not possible to meet with the International Committee of the Red Cross, and for the same reason the visit to Najaf had to be postponed as it appeared that a requested rearrangement of appointments was virtually impossible, even though such a visit was foreseen in the programme. Needless to say, the short duration of the mission did not allow for other visits and meetings, such as visits to the northern governorates and the marshlands in the south of Iraq, which are essential in order to obtain a clearer impression of the human rights situation in Iraq.

21. During almost the entire mission and at practically all meetings, the Special Rapporteur and his team were accompanied by officials from the Ministry of Foreign Affairs. Only during the meetings with Christian religious dignitaries, with the United Nations Country Team and with a guardian of one of the shrines in Kerbala was the Special Rapporteur and his staff unaccompanied by Iraqi officials.

22. In general, during the meetings with government ministers and officials, the Special Rapporteur expressed his appreciation to the Government for the opportunity to visit Iraq, and clearly outlined that it was his hope to start a constructive dialogue on human rights.

Meeting with the Minister for Foreign Affairs

23. The Minister for Foreign Affairs welcomed the Special Rapporteur and indicated that the Government of Iraq was willing to cooperate with the Special Rapporteur. The Minister emphasized that he expected the Special Rapporteur not to apply double standards and to carry out his mandate in a fair manner. The Minister also stated that the sanctions imposed by the United Nations Security Council on Iraq were having a detrimental effect on the Iraqi population and, furthermore, were preventing the Government from taking sufficient initiatives to address human rights issues. Should the sanctions be removed, the Minister asserted, it would be likely that more could be done for the promotion and protection of human rights.

24. The Special Rapporteur thanked the Minister for the invitation, expressed the hope that the visit would be the beginning of a fruitful collaboration and requested the assistance of the Minister in this regard. The Special Rapporteur further stressed the importance of continued cooperation on the part of the Government, and underlined that the present visit should be the first of several future ones.

25. The Minister assured the Special Rapporteur that the Government was willing to cooperate and the Ministry of Foreign Affairs would assist in this regard.

Meeting with the Minister of Justice

26. On 12 February 2002 the Special Rapporteur had a long meeting with the Minister of Justice at which several issues were discussed, mostly in response to the Special Rapporteur's queries and questions. The same methodology was followed at all meetings with ministers and government officials.

27. With regard to the application of the death penalty, the Minister of Justice explained that capital punishment was indeed applied in Iraq, and that the application of the death sentence was currently also influenced by the pressures on society due to the embargo against Iraq. The Minister explained that the Penal Code of Iraq exclusively regulated the application of the death penalty, and presented the Special Rapporteur with a consolidated version of the Iraqi Penal Code including amendments. The Special Rapporteur asked whether the death penalty could be imposed under other laws, or presidential or similar decrees. The Minister explained that there were no other general laws which imposed the death sentence; however, certain legislation might be promulgated increasing the sentence for a specific crime, listed in the Penal Code, to capital punishment. As an example, the Minister mentioned that recently the maximum sentence for organized crime had been increased to capital punishment.

28. The Special Rapporteur also inquired about the punishment for so-called political crimes. The Minister explained that article 156 of the Penal Code imposed the death penalty as the maximum penalty for crimes endangering the internal and external security of the State. The Minister further explained that all death sentences had to be signed by the Minister of Justice, as well as by the President; that the only method of carrying out the death sentence was by hanging, and that the only place death sentences were carried out was in the execution chamber of the Abu Ghraib prison, close to Baghdad.

29. When asked, the Minister explained that a presidential decree could only increase the sentence for crimes already in the Penal Code, but could not stipulate punishments for offences not mentioned in the Penal Code, and that that could only be done if specific circumstances justified such a step. In this regard, the Special Rapporteur requested that he be provided with a list of all death sentences pronounced during the last two years (2000 and 2001), giving at least the names of the persons executed, the dates of execution and the crimes that the persons were found guilty of.

30. On a more specific note, and as a follow-up to a number of allegations brought to the attention of the Special Rapporteur (see the previous reports of the Special Rapporteur to the General Assembly and to the Commission on Human Rights), he inquired whether prostitution was a crime punishable by death. The Minister explained that prostitution was indeed a crime in Iraq - since 1954 - but that it did not carry the death penalty and would normally entail a sentence of from two to three years' imprisonment. However, the crime of organizing prostitution and exploiting women for prostitution could be punished by death. The Minister further clarified that recently there had been no sentencing to death for this crime in the normal criminal courts.

31. The Special Rapporteur also inquired about the status and role of the Special Courts. The Minister explained that such courts, which are composed of regular judges, did in fact exist, and were set up under specific circumstances for a certain time when the gravity and the general frequency of a specific crime justified it. The Minister explained that some cases were referred to the Special Courts by the President. As an example, the Minister mentioned that, in recent months, crimes relating to the trafficking and distribution of narcotic drugs had been referred to the Special Courts. The Minister further explained that all judgements of the Special Courts were subject to the right of appeal. The Special Rapporteur requested that he be provided with an explanatory note on the status and functioning of the Special Courts, in order for him to have a clearer understanding of the justification for having such courts. The Special Rapporteur also noted that, given the explanations received, it would appear that there was no specific need for such courts, as the regular courts would appear to have the capacity to deal with all cases.

32. The Special Rapporteur also asked about the procedure for the publication of laws and decrees, as previous information received claimed that some decrees were not published in the Official Gazette. In response, the Minister explained that "99.9 per cent" of all new laws and decrees were published in the Official Gazette, and only very specific laws relating to the armed forces were not published.

33. With regard to recent initiatives to reform the penal system, the Minister explained that, upon the request of the President, a study was currently being carried out by the Ministry of Justice in collaboration with the Ministry of Labour and Social Affairs and the Ministry for Religious Affairs which would recommend the reduction of sentences for crimes which currently carry the death penalty. The Minister pointed out that the study and relevant report were almost completed and one of the crimes recommended for reduced sentencing was the offence of organization of prostitution and trafficking of women. The study would recommend that this crime should not be punishable by death.

34. The Special Rapporteur welcomed this initiative and requested that he be provided with a copy of the study and recommendations once available. In this regard, the Special Rapporteur also asked for a list of all crimes currently carrying the death penalty, as this would allow him to compare the present situation with the changes proposed in the study.

35. During the meeting, other issues, such as the independence of the judiciary, fair trial and further law reform, were briefly touched upon. The Special Rapporteur expressed his appreciation for the meeting, which he saw as the beginning of a fruitful dialogue. He expressed the hope that, further to the discussion of issues raised during the meeting, he would be provided with a copy of the study recommending the reduction of sentences for certain crimes which was currently being finalized by the Ministry, a note explaining the status and functioning of the Special Courts, the list of crimes currently punishable by death and a list of all death sentences carried out during 2000 and 2001. The Special Rapporteur also expressed the hope that additional issues would be addressed in the future.

Meeting with the Minister of the Interior

36. The Minister, who was accompanied by senior officials from the Ministry, including senior police officials, initially outlined his areas of responsibility, which include the Traffic

Department, civil defence, the Department of Nationality and Civil Cases, and the police (including police detention centres). The Minister pointed out that his tasks were rendered difficult by the embargo against Iraq, and that the lifting of sanctions would considerably improve the situation. In this regard, the Minister mentioned, as an example, that the Department of Nationality could not proceed with establishing a unified system of identity cards - as in most other countries - as this would require information technology equipment, which, although ordered, had been placed on hold by the Sanctions Committee established under Security Council resolution 661, as computers were considered to be of dual use and were thus on the list of items which could not be imported.

37. The Minister acknowledged that, among his various areas of responsibility, most often the police were accused of committing human rights violations. The police force currently numbered a total of 58,000 staff throughout the country. The Minister pointed out that, since assuming his current position nine months previously, he had taken several steps to ensure that citizens had access to a complaints mechanism. The Minister stressed that the police could only act in accordance with the law, and that he was personally very keen to ensure that there were fair procedures for complaining and often personally took action following such complaints. He also admitted that a number of officers had been convicted for violations of citizens' rights and were currently serving sentences. It was further explained that the Minister was often called upon to answer questions in the National Assembly regarding action taken by the police force.

38. The Special Rapporteur welcomed these initiatives by the Minister and explained that several individuals and organizations submitted allegations of human rights violations to the Rapporteur and that some of those allegations related to violations committed by the police. In that regard, the Special Rapporteur called on the Minister to cooperate by fully investigating allegations of violations transmitted by the Special Rapporteur and, in turn, supplying sufficiently detailed answers. The Minister promised to examine any material submitted to him by the Special Rapporteur.

39. By way of example, the Special Rapporteur mentioned to the Minister that many allegations of violations of human rights had recently highlighted the issue of so-called "arabization", and added that the allegations received had made specific reference to a recent decree which would allow non-Arabs to change their nationality/ethnicity to Arab. The Minister admitted that there was, in fact, such a decree and said that its main purpose was to assist persons who had previously registered under another nationality/ethnicity; the decree now gave them the opportunity to correct this. It was further explained that some persons had registered under another ethnicity to avoid military service, or in the belief that they would obtain other privileges, but that it was now their wish to revert to their original Arab ethnicity. The Minister noted that the decree did not imply any forced change of ethnicity, but was based on a voluntary action by individuals. The Special Rapporteur pointed out that even if this was in fact the case, the decree could be construed to be discriminatory, as it would appear to give preference to the Arab ethnicity. The Minister expressed the intention of taking into consideration the advice provided by the Special Rapporteur. With regard to the same issue, the Special Rapporteur pointed out that several allegations received recently claimed that non-Arabs were being forcibly expelled from their land in the north, especially in the Kirkuk area. The Minister pointed out that what was currently going on in the north was related to initiatives aimed at maximizing the agricultural output of one of the most fertile regions of Iraq. The Minister explained that a

specific policy was currently in place which would require landowners to cultivate their land. If this was not done, certain restrictions could be imposed. While it was acknowledged that this issue was too complex to be covered in depth during the meeting, upon the request of the Special Rapporteur the Minister undertook to work with the Ministry of Foreign Affairs to prepare an explanatory note on the issue. This would then allow the Special Rapporteur to study the question in depth and to formulate additional questions, recommendations, etc.

40. With regard to other allegations of human rights violations he had received, the Special Rapporteur inquired whether military deserters had their ears cut off as a punishment. The Minister explained that he had heard that that had happened previously, but that the practice had now definitively ceased.

41. The Special Rapporteur raised another issue referred to in allegations recently received: the question of government pressure on family members of persons abroad wanted by the Government. The Special Rapporteur explained that he had recently received information that the family members of a journalist, who was currently outside Iraq, had been put under pressure by the Government. Allegedly this journalist had expressed criticism of the Government on an Arab satellite television newscast. It was alleged that, in response and in order to force the journalist to refrain from making similar statements in the future, some family members of this individual had been forced by the Government to issue a statement on Iraqi satellite television criticising the journalist. The Minister explained that he was not aware of such an incident, and pointed out that the President had explicitly prohibited the authorities contacting family members of criminals or exerting any kind of pressure. The Minister undertook to investigate the matter if the Special Rapporteur would provide a videotape of the alleged statement on Iraqi satellite television.

Meeting with the Minister of Labour and Social Affairs

42. The Minister initially referred to the detrimental effect of the embargo on the capacity of his Ministry to carry out the duties it was assigned. Generally, the Minister pointed out, because of the embargo the Ministry had fewer resources to meet the need for social services. The situation of older persons, women and orphans had deteriorated during the past few years owing to the embargo. This situation, according to the Minister, had also led to an increase in crime, especially juvenile delinquency.

43. The Minister further explained that the lack of resources available for prisons had led to far below satisfactory conditions. The Minister acknowledged that the conditions in the prisons were far from satisfactory, because of two main factors. First, the lack of resources due to the embargo severely limited the capacity to address urgent needs and, second, while the crime rate had not increased significantly during the previous 20 years, the population has increased from around 10 million in the 1970s to 27 million today. At the same time, the capacity of prisons in Iraq had not increased to match the population growth, which now resulted in overcrowded prisons; the Minister explained that the last new prison in Iraq was built in 1981.

44. The Minister acknowledged that there was an urgent need to improve the conditions in the prisons and he was pleased to inform the Special Rapporteur that the Ministry had recently been allocated funds to improve the conditions of severe overcrowding by initiating the

construction of additional buildings and facilities at the central prison of Abu Ghraib. The Government was also currently reviewing possible options to reduce the pressure on the prison system. These possible options included the possibility of imposing a fine or the performance of community service instead of a prison sentence for certain crimes. Proposals for alternative bail and earlier release on parole were also being considered. A number of amnesty decisions by the President had also been implemented recently, which had made the earlier release of prisoners possible. In this context, the Special Rapporteur suggested that in order to ensure that proper procedures were followed in the prisons, it might be wise to consider a system of independent visitors tasked with conducting unannounced visits to prisons to inspect conditions and ensure respect for the rights of the inmates. The Special Rapporteur inquired what mechanisms were in place to ensure that prison staff did not mistreat prisoners or commit other offences, and the Minister explained that the director of a prison, as well as the Minister himself, could initiate investigations, and that recently 20 prison staff had been punished. The Minister also explained that several alternative mechanisms were in place, including accountability mechanisms vis-à-vis the Presidency, as well as reporting to the National Assembly. The Minister also explained that prisons were seen as centres for re-education and rehabilitation and not as centres for punishment. In this regard, the Government had taken several initiatives to provide educational and vocational training programmes for inmates.

45. Responding to a question from the Special Rapporteur, the Minister confirmed that all prisons and other detention centres in Iraq, apart from the detention centres under police authority, were under the supervision of the Ministry. The Minister also confirmed that all executions were carried out by hanging and that all executions were exclusively carried out in Abu Ghraib prison. The Special Rapporteur repeated his request for a list of all executions carried out during 2000 and 2001, and the Minister acknowledged that such a list existed and that he would look into the request. With regard to the death penalty, the Special Rapporteur pointed out that article 6 of the International Covenant on Civil and Political Rights enjoined State Parties to limit the application of the death penalty to the most serious crimes, and that the Human Rights Committee in one of its General Comments had pointed out that although article 6 did not prohibit the death sentence it certainly pointed in the direction of eventual abolition.

Visit to prisons

46. As a follow-up to the meeting with the Minister of Labour and Social Affairs, and as previously requested, the Special Rapporteur also visited two prisons in Baghdad during the morning of 14 February 2002. Initially he saw a prison for women, and had the opportunity to exchange comments briefly with a few female prisoners while accompanied by officials from the Ministry of Foreign Affairs and by prison officials. In general, the Special Rapporteur had a positive impression of the conditions in the women's prison. From what he saw, it appeared that conditions were satisfactory and that the authorities were undertaking serious efforts to rehabilitate the female prisoners through educational and vocational training programmes. It also appeared from talking to a few prisoners in this as well as the Abu Ghraib prison that certain prerequisites for a fair trial, such as the right to counsel and review of conviction and sentence, were, in those cases, respected.

47. The very compressed schedule only permitted a brief visit to the Abu Ghraib prison. The Special Rapporteur even had to cancel another scheduled visit to a prison for minors and

adolescents in order to have sufficient time to visit Abu Ghraib. During this visit, the Special Rapporteur saw three main sections of the prison: the so-called, "light sentence" section, which included convicts serving less than 10 years' imprisonment; the "Foreigners and Arabs" section; and death row and the execution chamber. During the visit, the Special Rapporteur was accompanied at all times by officials from the Ministry of Foreign Affairs, the Director of the prison and other prison staff.

48. The Director explained that the prison currently had a population of 9,000 inmates, of which 2,800 were in the "light sentence" section, and approximately 660 in the foreigners' section. The Special Rapporteur did not receive any additional data. The Director further confirmed that the International Committee of the Red Cross (ICRC) had access to the entire prison and conducted visits every six months. It should be noted, however, that the ICRC in Geneva confirmed that ICRC has access only to the "Foreigners and Arabs" section, and only to those prisoners who are not visited by diplomatic representatives of their country.

49. In the "light sentence" section the Special Rapporteur was shown the cells of inmates, the sanitary facilities and the prison clinic. As mentioned and admitted by the Minister, the section was severely overcrowded and it appeared that not many options for reformation and educational or recreational activities were present. In general, the impression of the Special Rapporteur was that conditions are almost appalling.

50. The conditions in the "Foreigners and Arabs" section were considerably better. It appeared that each prisoner had adequate cell space and that certain educational and vocational training activities were taking place.

51. The "death row" section consisted of very small and dark cells with two prisoners in each cell, and generally the conditions seemed, to say the least, very poor. The execution chamber was adjacent to the death row section and contained two separate gallows.

52. In general it should be pointed out that, while the Special Rapporteur appreciated the opportunity to visit the prisons, time restrictions made it impossible for him to conduct an in-depth visit. Furthermore, in the circumstances, the Special Rapporteur did not see fit to request to have the opportunity to interview prisoners in private, without the presence of Iraqi officials. The Special Rapporteur hopes that during future missions more thorough visits would be undertaken. However, the Special Rapporteur wishes to note with appreciation the cooperation offered by the Minister of Labour and Social Affairs and his staff. He hopes that the initiatives to improve the conditions in the prison outlined by the Minister will be undertaken without delay, especially, the urgent construction of additional prison buildings in the Abu Ghraib prison to address the serious problem of overcrowding.

Missing persons

(a) Kuwaiti prisoners of war and persons unaccounted for since the time of the Iraqi occupation of Kuwait

53. The Special Rapporteur had two meetings at the Ministry for Foreign Affairs to discuss the situation of missing persons. With regard to missing Kuwaiti prisoners of war and persons

unaccounted for since the time of the Iraqi occupation of Kuwait, the Government pointed out that several initiatives had been conducted to localize these persons, including public broadcasts and the issuing of posters and announcements for public display throughout the country. The Government was still unwilling to cooperate with the Tripartite Commission owing to the membership of the United States and the United Kingdom, to which the Government objects.

54. Prior to his mission to Iraq, the Special Rapporteur had also met in Geneva with representatives of the Government of Kuwait to discuss the issue. The Special Rapporteur received a number of documents providing recent indications of the presence of some Kuwaitis allegedly still in Iraq. The Government of Kuwait reiterated that it continued to be committed to the Tripartite Commission.

(b) Missing Iraqis

55. The Government stated that according to its records a total of 1,137 Iraqis were still missing in Kuwait. During his meetings in Baghdad with the Ministry of Foreign Affairs, the Special Rapporteur also raised the issue of persons missing since 1980 (see previous reports of the Special Rapporteur), and renewed his appeal to the Government to invest efforts to find a solution to this issue. The Special Rapporteur said that he would forward a list of approximately 2,000 Iraqis which he had received during his mission to Iran in January 2002, and would urge the Government to investigate the cases mentioned.

56. Generally, with regard to the issue of missing Iraqis and missing Kuwaiti prisoners of war, the Rapporteur noted that although the position of the Government of Iraq with regard to the Tripartite Commission remains the same and that the Government of Kuwait insists on the framework of the Tripartite Commission, a number of issues could be the basis for a common ground: (i) both sides declare they want to cooperate and find a speedy solution to this humanitarian problem and (ii) both sides trust the ICRC. The Special Rapporteur expressed his willingness to be of general assistance to overcome difficulties. The Special Rapporteur reiterated his position that the Tripartite Commission is the appropriate forum and urged the Government of Iraq to rejoin its sessions.

57. While the Special Rapporteur deals mainly with current and recent events, he wishes to stress that in the case of missing persons the file cannot be closed until definite information about their fate can be arrived at. The Special Rapporteur notes with regret that no measurable progress has been achieved on this issue and, in this regard, he urges all parties to redouble their efforts to find a solution to the humanitarian and non-political issue of missing persons.

58. The Special Rapporteur regrets that, despite efforts to that effect, the Tripartite Commission has not been able to continue its work and he urges the Government of Iraq to rejoin its sessions. The Special Rapporteur also urges the Government of Iraq to cooperate with the High-level Coordinator, Ambassador Yuli Vorontsov, pursuant to Security Council resolution 1284 (1999) of 17 December 1999.

Religious freedom

59. In the past the Rapporteur has received several allegations regarding oppression of religious freedom in Iraq. In particular, several allegations have claimed that the Shia Muslim community is oppressed by the Government. Allegations have ranged from oppression of all Shia Muslims in general, to targeted oppression of religious leaders and scholars. In this regard the Special Rapporteur requested to visit Shia Muslim religious sites and to hold meetings with Shia Muslim religious dignitaries. As noted above, visits to Kadamia and Kerbala took place during the mission to Iraq, and the Special Rapporteur had the possibility in Kerbala of exchanging, in private, brief remarks with a custodian of one of the shrines in Kerbala, as well as with the Chief Holy Man of the Imam Abbas shrine in Kerbala, Said Mahdi Said Fadhil Al-Ghurabi, in the presence of Iraqi officials.

60. The general impression of the Special Rapporteur was that Shia as well as Sunni Muslims were free to visit the mosques and shrines. Regretfully, time did not permit a very essential visit to Najaf, which would have allowed the Special Rapporteur to assess whether any restrictions with regard to freedom of movement and expression were being put on senior Shia clerics.

61. The Special Rapporteur also met religious leaders of the Roman Catholic, Armenian, Assyrian and Syrian Christian Churches, who explained that Christians were generally free to practise their religion in Iraq without impediment.

62. Two issues of concern were discussed. The first issue related to the fact that children of Christian parents were automatically registered as Muslims if the parents decided to convert to Islam. This issue had initially been resolved following consultations with the Presidency. Although the compromise had been cancelled by the Supreme Court, discussions with the Government were under way and the Christian leaders affirmed their conviction that a compromise would be found. The second issue of concern was the existence of a decree apparently obliging Christian parents to give Arabic names to their children, whereas they wanted to give them Christian names. A dialogue with the Government was taking place on this issue also.

The humanitarian situation

63. As noted in his previous reports, the Special Rapporteur is of the opinion that, in order to carry out his mandate, he needs to be fully appraised of the general situation in Iraq, as well as being aware and understanding all factors which might have an influence on the situation of human rights in the country, and factors which determine the capacity of the Government to implement its freely undertaken obligations under international human rights instruments.

64. For this reason, during his mission, the Special Rapporteur sought to gather information about the humanitarian situation in the country. As noted above, the ministers with whom he met pointed out to the Special Rapporteur that the embargo was having a detrimental effect on the population of Iraq in general, and that the capacity of the Government to protect the human rights of the population was severely hampered by the embargo. Again and again, it was pointed out that the human rights situation in the country would improve once the sanctions were lifted.

65. In addition to the meetings and visits requested by the Special Rapporteur, the Government also included in the programme visits to a children's hospital, a school in Baghdad and an unscheduled visit to a food distribution outlet. A meeting with senior officials from the Ministry of Health was also organized, as requested by the Special Rapporteur. It was repeatedly pointed out that, owing to the embargo, a number of important medical drugs were unavailable. The Ministry of Health provided the Special Rapporteur with a list of orders for medical drugs and medical equipment currently blocked or put on hold by the 661 Sanctions Committee of the Security Council. During the visit to the children's hospital, the medical doctor in charge explained to the Special Rapporteur that the embargo had a detrimental effect on the health situation in the country, that the percentage of cancer patients had increased substantially since the 1991 war and that certain of the cancer cases could have been cured had certain medicines and equipment been available. The doctor also explained that many instances of chest infection resulted in death because of malnutrition or lack of medicine.

66. During a meeting with the United Nations Country Team, it was pointed out that the "oil-for food" programme provided the entire population with sufficient food. The Government of Iraq was complimented for its efforts in this regard. However, general poverty still exists in the country, and many persons suffer from malnourishment as they are forced to sell their food rations to purchase medicines, clothing, etc. Water, sanitation and electricity were also highlighted as serious problems. With regard to applications placed on hold by the 661 Committee, the total amount now exceeds US$ 5 billion, which prompts the Special Rapporteur to reiterate his concern about this situation.

Other meetings

67. In addition to the meetings referred to above, the Special Rapporteur met with two members of the National Assembly, including the chair of the Human Rights Sub-Committee. During the meeting a number of human rights issues were discussed generally. In particular, the Special Rapporteur inquired about the situation of women in Iraqi public life and suggested that affirmative action initiatives could be undertaken to promote equality between men and women.

68. The Special Rapporteur also met with Dr. Huda Amash, a senior member of the ruling Baath Party and a member of the Regional Command. The meeting was positive and both the humanitarian situation and human rights issues were touched upon. The Special Rapporteur reiterated his hope that the collaboration initiated with the Government would continue.

Closer cooperation - continuation of the dialogue

69. As noted above, this initial mission to Iraq, whilst permitting the Special Rapporteur to observe in very general terms the situation of human rights in the country, was mainly targeted towards initiating a dialogue with the Government and exploring options for closer cooperation. In this regard the Special Rapporteur had a series of meetings with officials of the recently established Human Rights Department of the Ministry of Foreign Affairs. At a closing meeting on 14 February 2002 the Special Rapporteur stated that he was pleased with the initial indications from the Government with regard to taking positive action and promising closer collaboration, as well as the indication from the Minister for Foreign Affairs that Iraq was ready to cooperate with the Special Rapporteur. The Special Rapporteur urged the Government to

comply with all relevant Security Council resolutions and thus allow the weapons inspectors to return to Iraq. With regard to correspondence regarding allegations of human rights violations, the Special Rapporteur stressed the importance of his receiving specific and detailed replies to letters he transmitted to the Government. It was agreed that the Human Rights Department would be the focal point for letters transmitted by the Special Rapporteur through the Permanent Mission of Iraq in Geneva. In consultation with government agencies and ministries, the Human Rights Department would then prepare detailed and specific replies to the Special Rapporteur.

70. Furthermore, as discussed during the previous meetings with government ministers and others, the Special Rapporteur pointed out that he would be looking forward to receiving the following information:

A list of all crimes that currently carry the death penalty;

A copy of the study currently being finalized by the Ministry of Justice and others which proposes the reduction of the sentence for certain crimes from the death penalty to a lesser sentence;

A list of all executions carried out in Iraq during the past two years (2000 and 2001);

Additional written information regarding the planned reforms in the prison sector, as well as information as to the progress of implementation of these reforms;

An explanatory note clarifying the decree permitting the changing of nationality/ethnicity to Arab;

An explanatory note regarding the current land reform cultivation plan/scheme currently being carried out in the north (as briefly described by the Minister of the Interior);

An explanatory note regarding the status and authority of the Special Courts;

An explanatory note clarifying the decree regarding the naming of children.

71. In particular, the Special Rapporteur underlined the necessity of receiving the information requested with regard to the death penalty so that the issue of the right to life set out in article 6 of the International Covenant on Civil and Political Rights could be properly dealt with. In addition, the Special Rapporteur urged the Government to work closely with the human rights treaty bodies, and urged Iraq to ratify and implement the Convention against Torture. With regard to the situation of women, the Special Rapporteur reiterated a point made several times during his visit by urging the Government to consider affirmative action initiatives on behalf of women in areas where women are currently at a significant disadvantage compared to men. In this regard the Special Rapporteur is currently studying material on the situation of women submitted to him by the Government following his visit to Iraq.

Other human rights issues

72. Unfortunately, the tight programme did not allow for extensive discussion on a wide range of other human rights issues, including freedom of expression as protected by article 19 of the Covenant on Civil and Political Rights, to which Iraq is a party. The Special Rapporteur plans to raise this and other matters with the Government in the future.

III. MISSION TO IRAN AND OTHER SOURCES SUBMITTING ALLEGATIONS OF VIOLATIONS OF HUMAN RIGHTS

73. As noted in the introduction, the Special Rapporteur decided, in conformity with his mandate, to undertake a mission to Iran in January 2002 with the aim of collecting recent information regarding alleged human rights violations committed by the Government of Iraq. The Special Rapporteur requested the permission of the Government of Iran, which eventually agreed to the mission. In this regard the Special Rapporteur wishes to express his appreciation to the Government of Iran.

74. An OHCHR human rights officer assigned to assist the Special Rapporteur was dispatched on a mission to Iran from 11 January to 19 January. The human rights officer visited refugee camps in the south of Iran, in the Ahvaz and Dezful area, which are under the authority and run by the Government of Iran with the assistance of the Office of the United Nations High Commissioner for Refugees. In these camps the human rights officer interviewed recently arrived Iraqi nationals about the human rights situation in Iraq. In addition, the human rights officer also interviewed a number of individuals in Qom and Tehran. It should be noted that all interviews were conducted in private with only a United Nations interpreter present.

75. The Special Rapporteur himself visited Tehran from 16 January to 19 January. Upon arrival, he was briefed by the OHCHR human rights officer and also conducted a series of interviews and had a series of meetings.

76. The visit was in part facilitated by logistical assistance from the Iraqi organization The Supreme Council for the Islamic Revolution in Iraq (SCIRI) and, apart from several other meetings during his mission, the Special Rapporteur also met with its leader Ayatollah Al-Haqim. It should be noted that the purpose of this, as well as all other meetings, was exclusively limited to collecting information about alleged human rights violations in Iraq. The Special Rapporteur wishes to express his appreciation to SCIRI for providing logistical support for his mission.

77. During the reporting period the Special Rapporteur also received from various sources a number of written allegations of human rights violations. In particular, a great number of individuals and organizations contacted the Special Rapporteur upon learning of his impending visit to Iraq and submitted documents on the human rights situation in Iraq.

78. The Special Rapporteur is currently in the process of sifting through the information gathered and plans to submit a number of sufficiently detailed allegations to the Department of Human Rights in the Ministry of Foreign Affairs of Iraq for comment in the context of the mechanism and procedures agreed upon during the mission to Iraq which are described above.

For this reason, this section of the report will only very briefly summarize the information received, and the Special Rapporteur plans to revert to these issues in more detail in future reports. The Special Rapporteur also wishes to note that he has taken this information into serious consideration, and hopes that the Government will reply in detail to allegations submitted in the future, as the sheer volume of information and the seriousness of allegations submitted to the Special Rapporteur warrant serious concern, and thus appropriate handling by all.

79. The Special Rapporteur continued to receive from various sources allegations regarding religious persecution in Iraq. In particular, and as previously stated, several sources indicated that some senior Shia Muslim religious leaders, in particular Ayatollah Ali Sistani in Najaf, are restricted in their movement and are confined to house arrest. Other sources even indicated that the Shia Muslim population in general is prevented from practising. This latter allegation, however, seemed not to be confirmed during the visit to Kerbala and Kadamia. As mentioned in his report to the General Assembly (A/56/340), the Special Rapporteur also sought to obtain more information regarding the death of Ayatollah Hussein Bahr Al-Aloom. During his visit to Kerbala, the Special Rapporteur was informed that in connection with the burial ceremony the body of the Ayatollah was brought to Kerbala from Najaf and then returned to Najaf. The Special Rapporteur could not, in the circumstances, and particularly owing to the postponement of the visit to Najaf for lack of time, obtain conclusive information regarding the circumstances of the death of the Ayatollah.

80. Several sources continued to submit allegations of extrajudicial killings, torture, cruel, degrading and inhuman treatment and punishment. In particular the Special Rapporteur received information from several individuals claiming to have directly witnessed human rights violations of this kind. The Special Rapporteur received information about secret detention sites, where allegedly torture, cruel, degrading and inhuman treatment and punishment is widespread. The Special Rapporteur intends to investigate further the more substantiated allegations in the context of the new dialogue established with the Government and therefore limits his comments on this subject in the present report.

81. As mentioned above, the policy of arabization allegedly being carried out by the Government has been brought to the attention of the Special Rapporteur by several organizations and individuals. In particular, several Kurdish organizations have submitted allegations in this regard. As noted above, the Special Rapporteur presented these allegations to the Government of Iraq and is looking forward to receiving explanatory notes from the Government. He hopes to provide more information on the subject in his next report.

82. As also noted above, the Special Rapporteur has continued to clarify allegations regarding the situation of women. In particular, the Special Rapporteur sought more information concerning the alleged execution of female prostitutes. It appears likely that recently, either during 2000 or 2001, a small number of women were sentenced to death and executed for organizing the trafficking of women or exploiting women for prostitution, whilst a larger number of women appear to have been sentenced to two to three years' imprisonment for prostitution. However, this chapter is not closed, and the Special Rapporteur intends to follow up any other clarifications or allegations. The Special Rapporteur also received information that prison guards in the Abu Ghraib prison allegedly sexually abuse female relatives of inmates in exchange for allowing visits to the inmates or for other favours.

83. The Special Rapporteur also received information regarding the formation of the so-called Al-Quds army. From these allegations, it would appear that a people's militia is being created for more than one reason. Some allegations received claimed that a large segment of the male population is being forcibly recruited into this militia. Furthermore, the Special Rapporteur also received information alleging serious human rights violations by other paramilitary, intelligence and security forces.

84. The Special Rapporteur wishes to reiterate that he considers these and other allegations of human rights violations received and collected as requiring serious investigation. The Special Rapporteur hopes to reach conclusions regarding these and other allegations in the context of the newly established dialogue with the Government and urges the Government to provide prompt and detailed replies to all allegations and queries transmitted to it by the Special Rapporteur.

IV. CONCLUSIONS AND RECOMMENDATIONS

85. The Special Rapporteur is encouraged by progress so far in establishing a constructive dialogue on human rights with the Government of Iraq and wishes to express his appreciation to the Government for accepting the first mission of the Special Rapporteur since his appointment in 1999.

86. The Special Rapporteur wishes to stress that the success of this dialogue will depend on the continued cooperation of the Government, including through the provision of detailed replies to allegations of human rights violations transmitted by the Special Rapporteur, as well as through future visits by the Special Rapporteur to Iraq. The ultimate measure of success will be the successful implementation of recommendations submitted by the Special Rapporteur.

87. The Special Rapporteur wishes to reiterate his recommendations that all humanitarian concerns should be kept under constant review and necessary adjustments should continue to be made to ensure that the humanitarian needs and the long-term adverse effects of the embargo are addressed and the suffering of the people is alleviated.

88. Furthermore, the Special Rapporteur, whilst reiterating recommendations made in his previous reports, wishes to make the following recommendations stemming from the information collected and processed during the reporting period.

89. The Special Rapporteur urges the Government of Iraq to dispatch as soon as possible the documentation and information requested by him during meetings with the Minister of Foreign Affairs and with other ministers and officials, as noted above, and to make immediate arrangements for the continuation of the dialogue.

90. The Special Rapporteur reiterates his recommendation to the Government that a moratorium on executions be implemented immediately.

91. The Special Rapporteur repeats his call on the Government of Iraq to reduce the number of crimes that carry the death penalty, including the crime of trafficking of women and the exploitation of women for prostitution.

92. The Special Rapporteur also urges the Government to improve considerably the conditions on death row and to take urgent measures to improve the general conditions in Abu Ghraib prison, even prior to the construction of new prison buildings, through amnesties and the substitution of other sentences for imprisonment (fines, community service, conditional discharge, bail, etc). The Special Rapporteur also urges the Government to establish a system of independent prison visitors to ensure that the human rights of prisoners are respected.

93. With regard to freedom of religion, the Special Rapporteur urges the Government:

(a) To respect the freedom of religion and freedom of movement of all Shia clerics; and

(b) To examine sympathetically the issues raised by the leaders of the Christian community, as outlined above.

94. The Special Rapporteur urges the Government to facilitate in every respect continuation of the dialogue by ensuring that the focal point at the Ministry of Foreign Affairs has everything that is required in order that it may respond promptly and adequately to requests and recommendations by the Special Rapporteur.

95. The Special Rapporteur urges the Government to abolish the Special Courts and ensure that the rule of law is respected everywhere and at all times in Iraq in accordance with Iraq's freely undertaken obligation under international human rights instruments.

96. The Special Rapporteur urges the Government to ensure that no policies or practices of discrimination against ethnic or religious groups are carried out in Iraq, and to investigate allegations of human rights violations relating to the issue of arabization.